

Mr. HOEKSTRA. Mr. Speaker, this bill is intended to ensure the mental health of Americans; yet, no American's health can be fully secured if they are under attack by a terrorist or facing the potential threat of terrorist attack.

It has now been 18 days since the Protect America Act expired, taking with it the full array of enhanced tools for the intelligence community to aggressively investigate potential attacks and detect and prevent potential terrorist attacks. This motion to recommit would ensure the health of Americans by inserting the text of the Senate bill to modernize FISA.

Eighteen days is long enough; yet, the leadership of the House still has done nothing to appoint conferees on the Senate bill to modernize FISA.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. PALLONE. Mr. Speaker, I insist on my point of order. The gentleman is not confining his remarks to the point of order.

The SPEAKER pro tempore. The point of order was reserved and the gentleman from Michigan was recognized on his motion to recommit.

Mr. HOEKSTRA. Thank you, Mr. Speaker. May I continue?

The SPEAKER pro tempore. The gentleman from Michigan may continue.

Mr. HOEKSTRA. As I said, as we deal with this bill, 18 days is a long time, yet the leadership of this House still has done nothing to appoint conferees on the Senate bill to modernize the Foreign Intelligence Surveillance Act, which passed the Senate with overwhelming bipartisan support and is supported by a majority of the House. The Democratic leadership continues to block this bill, even though a number of responsible Democrats support it and the bill will pass if brought to the floor.

It was 18 days ago, it was 3 weeks ago that it was brought to the floor to have a 3-week extension, on top of a 2-week extension, on top of a 6-month extension. It is time to move this bill forward and to again give our intelligence community the tools that they need, the enhanced tools that many recognized after 9/11 that the intelligence community needed to keep America safe. It is time to bring up the Senate-passed FISA bill.

In the 18 days since the expiration of the Protect America Act, we have already seen multiple examples where our country's ability to follow up on potential threats has been significantly impaired.

In Tampa, the Transportation Security Administration stopped a man trying to board a plane with a box cutter in his backpack. Officers also found books in the backpack titled "Muhammad in the Bible," "The Prophet's Prayer," and "The Noble Qur'an." There may be instances in that situation where there may be intelligence clues that we would want to follow up. We want to know whether there are

any connections to foreign terrorists and whether at that very moment there may be other people in other airports trying to board planes with box cutters.

We don't want our intelligence officials to have to wait for lawyers to fill out voluminous paperwork in order to obtain permission from a Federal judge to follow up on those leads. Precious time could have been lost while an attack was in progress.

Last Friday, authorities found toxic ricin, or perhaps toxic ricin, in a hotel room in Las Vegas. Absent any evidence in the hotel room to prove probable cause that the ricin was tied to international terrorists, it may have been impossible for the intelligence community to follow up on any evidence that may have pointed to a suspected tie with foreign terrorists.

These are the things that happen in the United States. When you take a look at other things that are happening around the world, our troops in harm's way in both Iraq and Afghanistan, our brave men and women who are serving in the embassies in the Foreign Service around the world today, it is important that our intelligence community be given the tools and the techniques to keep Americans, our servicemen, our embassies, and our foreign personnel safe.

It has now been 18 days. The majority promised us that they could deal with this issue, first they said in 6 months, then they said in 2 weeks, then they said in 3 weeks. It has clearly been much more time than that, and every day that we delay, we lose a little bit of our capability to track the threats that face this country.

The chairman of the Senate Intelligence Committee has said the same thing. The Director of National Intelligence has said the same thing. So now for 18 days our capabilities have slowly been eroding, but each day piles on to the loss that we had from the day before.

There are real threats out there. There are real threats to Americans, to our troops, and to other individuals serving overseas. It is time to make sure that our intelligence community has all of the tools that it needs to keep America safe. We need to join with the Senate. We need to join with the 68 in the other body who overwhelmingly passed a bipartisan FISA modernization bill that gives the intelligence community the tools that they need to keep America safe.

I call on my colleagues and the leadership on the other side of the aisle to support this motion to recommit, to send a clear signal, and then to move forward on an overall bill. Because if this passes today, what it will do is send a clear signal.

POINT OF ORDER

Mr. PALLONE. Mr. Speaker, I insist on my point of order.

I raise a point of order that the motion to recommit contains nongermane instructions in violation of clause 7 of

Rule XVI. The instructions in the motion to recommit address an unrelated matter within the jurisdiction of a committee not represented in the underlying bill.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

PARLIAMENTARY INQUIRIES

Mr. HOEKSTRA. Yes, I do.

Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOEKSTRA. Under the rule, the text of H.R. 493, as passed by the House, is added at the end of this bill. H.R. 493 deals with genetic information discrimination. The title of the bill is "genetic information" and not mental health.

Mr. Speaker, how is it that a genetic information discrimination bill can be added to a mental health bill but the FISA bill to protect us from terrorist attack cannot?

The SPEAKER pro tempore. That additional text will be added by operation of House Resolution 1014 upon passage of the bill.

Mr. HOEKSTRA. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. HOEKSTRA. If I understand the Speaker and if you have just answered my question correctly, the majority has the tools at its disposal to include the FISA bill in any legislation that passes the House but is refusing to do so?

The SPEAKER pro tempore. That is not an appropriate parliamentary inquiry.

Does any Member wish to speak further on the point of order? If not, the Chair is prepared to rule.

The Chair will rely on the precedents of February 26 and February 27, 2008. The instructions in the motion to recommit address foreign intelligence surveillance, a matter unrelated to issues of health and mental health and within the jurisdiction of committees not represented in the underlying bill. The instructions are therefore not germane and the point of order is sustained. The motion is not in order.

Mr. HOEKSTRA. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. PALLONE

Mr. PALLONE. Mr. Speaker, I move to table the appeal.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOEKSTRA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.